

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

GERARDO BALLARDO,

Defendant.

DECISION AND ORDER

1:15-CR-00202 EAW

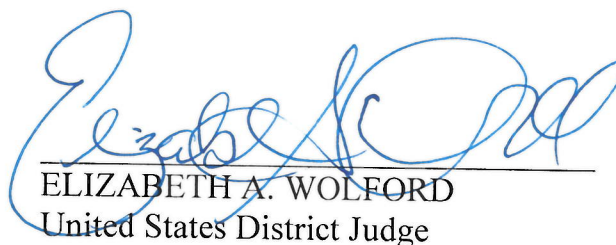
Defendant Gerardo Ballardo (“Defendant”) is charged in 18 counts of a 23-count Second Superseding Indictment, returned on March 17, 2016, with various drug crimes, money laundering conspiracy, and crimes related to structuring transactions. (Dkt. 47). This Court referred all pretrial matters in the case to United States Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1)(A)-(B).

On October 10, 2017, Defendant filed a motion for joinder in defendant Max Paul Riestra’s omnibus motions. (Dkt. 187). Defendant Riestra’s omnibus motions included a motion for suppression of evidence and statements. (Dkt. 139 at ¶¶ 51-62). On December 28, 2017, Magistrate Judge McCarthy issued a Report and Recommendation recommending that this Court deny Defendant’s pretrial motion to the extent he sought to join in defendant Riestra’s suppression motion, reasoning that Defendant had failed to establish standing to join in defendant Riestra’s suppression motion. (Dkt. 205 at 2). Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. No objections were filed.

The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. Fed. R. Crim. P. 59(b)(2) (“Failure to object in accordance with this rule waives a party’s right to review.”); see *Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009) (to trigger the *de novo* review standard, objections to a report “must be specific and clearly aimed at particular findings in the magistrate judge’s proposal”).

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge McCarthy. Therefore, the Court accepts and adopts the Report and Recommendation. (Dkt. 205). For the reasons set forth in the Report and Recommendation, this Court denies Defendant’s pretrial motion to the extent it sought to join in defendant Riestra’s motion to suppress.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: January 18, 2018
Buffalo, New York